

ARKANSAS SUPREME COURT

No. CR 06-887

NOT DESIGNATED FOR PUBLICATION

TOMMY RAY MOSLEY
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered January 25, 2007

PRO SE MOTION TO FILE BELATED
MOTION FOR RECONSIDERATION
[CIRCUIT COURT OF GARLAND
COUNTY, CR 94-486, HON. JOHN
HOMER WRIGHT, JUDGE]

MOTION DENIED.

PER CURIAM

Tommy Ray Mosley was convicted of rape in 1995 and sentenced as a habitual offender to life imprisonment in the Arkansas Department of Correction. This court affirmed. *Mosley v. State*, 323 Ark. 244, 914 S.W.2d 731 (1996). Subsequently, he sought *pro se* postconviction relief pursuant to Ark. R. Crim. P. 37.1. The trial court denied the petition, and appellant failed to timely pursue an appeal. *Mosley v. State*, CR 97-919 (Ark. Oct. 23, 1997) (*per curiam*). He then sought *pro se* leave of this court to reinvest jurisdiction in the trial court to consider a petition for writ of error *coram nobis*. This court denied the petition. *Mosley v. State*, CR 95-872 (Ark. May 14, 1998) (*per curiam*). Next, appellant filed a *pro se* petition for writ of habeas corpus in the Garland County circuit court, although he was incarcerated in Lincoln County. The trial court denied the petition and this court dismissed the appeal. *Mosley v. State*, CR 05-243 (Ark. May 12, 2005) (*per curiam*). This court additionally denied appellant's *pro se* motion for reconsideration of the dismissal. *Mosley v. State*, CR 05-243 (Ark. June 30, 2005) (*per curiam*).

In 2006, appellant filed in the trial court a *pro se* petition to correct an illegal sentence

pursuant to Ark. Code Ann. §16-90-111 (Repl. 2006). The trial court denied the petition as being untimely filed, and appellant, proceeding *pro se*, lodged an appeal here from the order denying the petition. The State filed a motion to dismiss the appeal based on the trial court's lack of jurisdiction to consider the matter and this court granted the State's motion to dismiss. *Mosley v. State*, CR 06-887 (Ark. Nov. 2, 2006) (*per curiam*). Appellant's *pro se* motion for reconsideration was denied. *Mosley v. State*, CR 06-887 (Ark. Dec. 7, 2006) (*per curiam*).

Now before us is appellant's motion to file a belated motion for reconsideration. Therein, he argues that he timely mailed a motion to amend his prior motion for reconsideration, but that it was received after we issued our order on December 7, 2006. Further, appellant maintains that he should be allowed to cure any defects in his prior motion that were pointed out by the State in pleadings to this court. However, the motion does not establish that there was any error in our dismissal of appellant's appeal or present any cognizable basis for denying the State's motion to dismiss, and, thus, fails to submit any ground for reconsideration of the order of dismissal. Further, appellant fails to make a showing of good cause for the untimeliness of his motion to amend the prior motion.

Motion to file belated motion for reconsideration denied.